WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.4.2006

C O R A M :

THE HONOURABLE MR. JUSTICE P. SATHASIVAM
AND
THE HONOURABLE MR. JUSTICE J.A.K.SAMPATH KUMAR

H.C.P.NO.41 of 2006

E.Manoharan .. Petitioner

-Vs.-

1. The Secretary to Government,
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai-9.

2. The District Collector and District
Magistrate, Kancheepuram District,
Kancheepuram. .. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus calling for the records relating to the detention order No.B.D.F.G.I.S-V.No.53 of 2005, dated 12.11.2005 passed by the second respondent and set aside the same and direct the respondents to produce the body of the detenue, by name, Tmt.Indhira, W/o.Ranganathan, aged about 35 years, who is now confined in Special Prison for Women, Vellore before this Court and set her at liberty forthwith and pass such further orders.

For Petitioner : Mr.A.K.S.Thahir

For Respondents : Mr.Abudukumar Rajarathinam
Government Advocate (Crl. Side)

***

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

O R D E R

(ORDER OF THE COURT WAS MADE BY P.SATHASIVAM, J.)

The petitioner, the uncle of the detenue, by name, Tmt.Indhira, who was detained as a "Bootlegger" under the Tamil Nadu Prevention of Dangerous Activities of Boot-leggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) by the impugned order, dated 12.11.2005, challenges the same in this petition.

2. Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents.

3. At the foremost, the learned counsel for the petitioner by drawing our attention to the fact that the detaining authority, though relied on the bail application in Crl.M.P.No.13924 of 2005, which was dismissed by the learned Principal District and Sessions Judge, Chengalpattu on 07.11.2005, the translated copies of the same were not supplied to the detenu, which vitiates the order of detention. It is the case of the petitioner that she knows only Tamil.

4. In such circumstances, as rightly pointed out by the learned counsel for the petitioner, the detaining authority having relied upon the bail application and the order of dismissal while considering the imminent possibility of the detenue coming out on bail, it is but proper to supply the translated copies to the detenue and failure to do the same, vitiates the detention order. On this ground, the impugned order of detention is liable to be quashed and accordingly it is quashed.

5. The Habeas Corpus Petition is allowed and the detenue is directed to be set at liberty forthwith from custody, unless she is required in connection with any other case.

js

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

To

1. The Secretary to Government,
   Prohibition and Excise Department,
   Government of Tamil Nadu,
   Fort St.George, Chennai-9.

2. The District Collector and District
   Magistrate, Kancheepuram District,
   Kancheepuram.

3. The Superintendent,
   Special Prison for Women, Vellore
   (in duplicate for communication to
   detenu).

4. The Public Prosecutor
   High Court, Madras.

+ 1 cc to Mr. A.K.S. Thahir Advocate SR No.19308

H.C.P.No.41 of 2006

VC(CO)
SR/25.4.2006

https://hcservices.ecourts.gov.in/hcservices/